

**REMARKS**

**I. Introduction**

In response to the pending Office Action, Applicants have cancelled claim 10, without prejudice, and have amended claim 1 so as to further clarify the intended subject matter of the present disclosure. Support for the amendment can be found, for example, in paragraphs [0055]-[0057] and Fig. 12 of the specification. No new matter has been added.

For at least the reasons set forth below, it is respectfully submitted that all pending claims are now in condition for allowance.

**II. The Rejection Of The Claims Under 35 U.S.C. § 102**

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by USP Pub. No. 2004/0240856 to Yahata. For at least the following reasons, it is respectfully submitted that Yahata does not anticipate amended claim 1.

Claim 1 relates to a stream converter which includes a first converter for receiving a bit stream conforming to a DVD-VR standard, converting data except for audio data in the bit stream into data conforming to a DVD-video standard, and outputting a resultant bit stream; and a second converter for converting, when the audio data does not conform to the DVD-video standard, the audio data in the bit stream output from the first converter into data conforming to the DVD-video standard without changing the number of audio packs, and outputting a resultant bit stream.

As is known, in a stream which conforms to a DVD-VR standard or a DVD-video standard, an SCR (System Clock Reference), a PTS (Presentation Time Stamp) or similar reference, needs to be added to each pack in the stream to achieve synchronization. In

accordance with the stream converter of claim 1, the first converter receives a bit stream conforming to a DVD-VR standard, and converts the data (except audio data) into data conforming to a DVD-video standard. For example, SCRs or PTSs of the packs included in the bit stream are rewritten so as to conform to the DVD-video standard. Next, the second converter converts audio data, which is output from the first converter and which does not conform to the DVD-video standard, into data conforming to the DVD-video standard without changing the number of audio packs. As such, in accordance with claim 1, the number of audio packs in a stream is the same before and after the conversion. Advantageously, since the number of audio packs are not changed during the conversion, it is not necessary to recalculate the SCRs or PTSs for the audio packs.

Turning to the pending rejection and the cited prior art reference, at a minimum, Yahata fails to disclose or suggest a device in which the number of packs is not changed when the format of an audio stream is converted. It is noted that in the case where the number of audio packs is changed, the values of the SCRs and PTSs have to be recalculated, which is a complicated and time consuming process.

Accordingly, as it is well known that anticipation under 35 U.S.C. § 102 requires that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed Cir. 1987), and that the elements must be arranged as required by the claim, *In re Bond*, 910 F. 2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990), and Yahata fails to disclose the foregoing element of amended claim 1, it is clear that Yahata fails to anticipate claim 1.

### III. Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the pending independent claim is patentable for at least the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable.

### IV. Summary

Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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